

REMARKS

This Amendment responds to the Office Action dated October 2, 2006. A diligent effort has been made to respond to all of the objections and rejections contained in the Office Action and reconsideration is respectfully requested.

A. Rejection under 35 USC § 103(a) over Smith in view of Hanson

Independent claims 6 and 18 were previously rejected under 35 U.S.C. § 103 over Smith (US 6,333,973) in view of Rodriguez (US 6,580,784). In the prior Amendment to this application, applicants established that the combination of Smith and Rodriguez did not disclose or suggest all of the limitations of claims 6 and 18, and, in conjunction with the Rule 131 affidavit removing Rodriguez as prior art, all of the rejections over the combination of Smith and Rodriguez have now been withdrawn.

More specifically, applicants established the following facts regarding the combination of Smith and Rodriguez in the prior Amendment: (1) Smith is limited to a system where the mobile device initiates a voice call to the voice mail system; (2) Rodriguez teaches that the voice mail system is “pre-programmed” to initiate a voice call to the mobile device for certain pre-designated messages; (3) the combination of Smith and Rodriguez does not disclose or suggest a command message transmitted from the mobile device over a wireless data network to cause a voice mail system to initiate a voice call to the mobile device so as to deliver a received voice mail; and (4) there would be no motivation to combine Smith with Rodriguez because Smith’s mobile device initiates the voice call, and because Rodriguez is not directed to remotely controlling a voice mail system over a wireless data network. Thus, based on these facts,

applicants established that the combination of Smith and Rodriguez did not make out a *prima facie* case of obviousness, and thus the rejection was deficient.

Now, having overcome these prior rejections, the Office Action combines Smith with a new reference, Hanson (US 6,215,859), in an attempt to make out an obviousness rejection for independent claims 6, 18 and 53, as well as other dependent claims. This new rejection, however, suffers from the same flaws as the prior rejection over Smith/Rodriguez, and thus the rejection is improper and should be withdrawn.

As shown above, and as described previously in the prior Amendment to this application, Claim 6 recites that a command signal is transmitted from the mobile communication device to the unified messaging system via the wireless data communication channel, wherein the command signal include the message retrieval command. The message retrieval command is then supplied to the voice mail system component and in response thereto, the voice mail system component initiates a voice call to the wireless mobile communication device via the voice communication channel and subsequently transmits the voice mail message to the device via that communication channel.

Smith, by distinction, only teaches that in response to receiving a notification of a voice mail message, the mobile device initiates a voice call to the voice mail system to retrieve the message. *See, for example*, column 9, lines 54-60 of Smith: “When the user wants to listen to the voice mail message after viewing the voice mail notification message, the user selects the voice mail icon corresponding to the voice message from the message center display (FIGS. and 7B). In response, mobile telephone 1100 establishes a connection with network services provider 1200 over the voice B-Channel.” Thus, Smith is expressly limited to the mobile device initiating

the voice call to the voice mail system, it does not disclose that the voice mail system initiates a call to the mobile device in response to a command message from the mobile.

Hanson does not supply the missing teaching from Smith. In Hanson, a voice mail system receives a message from a calling party and then provides the calling party with the option to designate the message as “urgent.” If the message is designated as such by the calling party, then the voice mail system will attempt to contact the called party by dialing a phone number of the called party. If the called party answers the call, the called party must then interact with the voice mail system in order to separately access and retrieve the “urgent” voice mail. (See, Hanson, Column 2, line 44 through Column 3, line 24) This teaching from Hanson is virtually identical to the teaching in Rodriguez which was overcome in response to the prior office action in this case.

The combination of Smith and Hanson, just like the combination of Smith and Rodriguez, does not teach or describe the claimed elements set forth above. More specifically, the combinations do not teach that a command message generated at the mobile device *and transmitted over a wireless data network* can be used to cause a voice mail system to initiate a voice call to the mobile device and then to deliver the voice mail message via the voice call. In fact, Smith is limited to the mobile device dialing the voice mail system and initiating the voice call, and Hanson, like Rodriguez is limited to instructing the voice mail system to initiate a voice call in certain predetermined “urgent” situations. Neither Hanson or Rodriguez disclose that the voice mail system initiates the voice call in response to a command message transmitted from the wireless mobile device over a wireless data network, as required by claims 6, 18 and 53. Moreover, Hanson, just like Rodriguez is primarily directed to voice networks, and does not teach any type of command or control channel via a wireless data network.

Finally, even if these references, *arguendo*, disclosed the claimed subject matter, there has been no identifiable motivation to combine these two references other than the Examiner's conclusory statement in the Office Action that it would be convenient to do so. Simply stating that it would be convenient to combine the references is insufficient to make out a motivation to combine, and thus the rejection fails to make out a *prima facie* case of obviousness under 35 USC 103 and the applicable MPEP regulations. There would be no motivation to combine Smith with Hanson precisely because in Smith the mobile device initiates the voice call to obtain the messages. And there would be no motivation to combine Hanson with Smith because Hanson doesn't teach anything about remotely controlling a voice mail system over a wireless data network. Absent some suggestion or motivation to combine these references, the rejection of claims 6, 18 and 53 must be withdrawn.

Respectfully submitted,

JONES DAY

A handwritten signature in cursive script that reads "David B. Cochran". The signature is written in dark ink and is positioned above a horizontal line.

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